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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael F. Greene

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EXAMINER

LAU, HOI CHING

ART UNIT

PAPER NUMBER

2612

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,148	Applicant(s) GREENE ET AL.	
	Examiner HOI LAU	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-18 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-18 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 29 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1- 18 have been examined.

Response to Amendment

2. Examiner acknowledges the changes made to the claims by applicant via amendment. The rejections of claims 1 and 8 under 35 U.S.C. 112, first paragraph and second paragraph, from previous office action have been overcome as a result of amendment and remarks, except the rejection of claim 1 under 35 U.S.C. 112 for insufficient antecedent basis is remained.

“Claim 1 recites the limitation “the associated transceiver” in line 5. There is insufficient antecedent basis for this limitation in the claim”

Response to Arguments

3. Applicant's arguments filed July 19, 2011 have been fully considered but they are not persuasive. The followings are applicant's arguments:

- a. Regarding the first requirement, the January 28, 2011 amendment included a complete listing of all the claims 1-20. Claims 19 and 20 were canceled, and therefore the text was not included as is practice according to 37 CFR 1,121.

Regarding the second requirement, according to Applicant's files, the August 30, 2010 amendment (certificate of mailing dated August 24) has identically matching claims 15-20 as the amendment and response filed January 28, 2011. In the office action dated 11/26/2010, Examiner acknowledges the amendments filed August 30, 2010 on page 2 of the office action. Likewise on page 2 of the subject action, Examiner acknowledges

the amendments filed on January 28, 2011. Applicant respectfully asserts that the amendments referenced have all included complete listings of matching claims. The current amendment also includes a complete listing of claims. Therefore, Applicant requests that the objections to the claims be withdrawn.

b. On page 2, item 2 of the subject action, Examiner states that "the rejections of claims 1 and 8 from previous office action have been overcome as a result of amendment and remarks." The present office action, however, restates the rejections of claims 1-7, 8, and 10-17 as worded in the previous action dated 11/26/2010. Applicant thanks the Examiner for accepting the argument from the previous amendment as convincing to overcome the 35 USC 103 rejections of independent claims 1 & 8.

The only new rejections in the present action are the rejections of claims 9 and 18 found on pages 18-20 of the present action. Because claims 9 and 18 are both dependent, upon independent claim 8, which has been held nonobvious (see page 2, item 2 of the subject action dated 6/17/2011), therefore claims 9 and 18 are also nonobvious. Applicant, therefore, asserts that claims 1-18 are in compliance with 35 USC 103, and requests that the rejections be withdrawn.

The followings are response to applicant's arguments:

1. Regarding arguments (a), the amendment filed January 28, 2011 only listed claim 1-14, but not claim 1-20 (wherein claims 19 and 20 were

Art Unit: 2612

canceled) as listed previously on August 30, 2010. However, Examiner acknowledges the changes made to the claims by applicant via amendment on July 19, 2011 which includes all claims 1-20, therefore the objection of the claim from previous office action has been overcome as a result of amendment and remarks

2. Regarding arguments (b), Examiner is admitted that there is a typing error in respect to the item 2 from the previous Office Action on June 17, 2011. It should be cited as "2. Examiner acknowledges the changes made to the claims by applicant via amendment. The rejections of claims 1 and 8 under 35 U.S.C. 112, first paragraph from previous office action have been overcome as a result of amendment and remarks."

As indicated in the body of the previous Office Action (Pages 8-20), it also clearly recited the claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason et al. (U.S. 2005/0001720), in view of Schlager et al. (US 2003/0102972), further in view of Zuckerman et al. (US 5,404,577) and Fors et al. (US 7,289,825). In addition, nowhere in the Office Action is indicated the claims are objected or would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims or resolved the rejections under 35 U.S.C. 112, first paragraph and second paragraph. Further, the Office Action Summary PTOL-326 and Index of Claim have also clearly indicated the claims are being rejected. Therefore, there is NOT any indication which the Argument and Remarks filed prior to the Office Action on June 17, 2011 is convincing to overcome the 35 U.S.C. 103(a) rejections of independent claims 1 and 8 wherein claims 1-18, but in fact the claims are still rejected under 35 U.S.C.

Art Unit: 2612

103(a) as indicated in current Office Action and the previous Office Action on June 17, 2011.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 recites the limitation “the associated transceiver” in line 5. There is insufficient antecedent basis for this limitation in the claim. It lacks clarity what is associated transceiver?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason et al. (U.S. 2005/0001720) in view of Zuckerman et al. (US 5,404,577)

Regarding **claim 1**, Mason teaches a system with use on an ad hoc temporary incident area network in which a **number** of transceiver [FASS device; Fig. 1]

(the components of the FASS device support communication via any number of protocols and frequency bands known in the art, therefore would have been obvious to

Art Unit: 2612

be standard protocols and frequency bands known in the art, specifically 802.1X standard, Bluetooth, etc. Therefore, it would have been obvious to one of the ordinary skill in the art the transceiver as suggest by Mason is a **standard or one of known** transceiver associates with format and frequency)

is in use with and coupled to

a **number** of corresponding modules [the combination of antenna unit and CPU of each of the device] to transmit audio information available from the transceiver to a common format and frequency of the temporary incident area network, thus to assure that all standard receivers [would have been obvious shown by other FASS device on the network] on said ad hoc temporary incident network can intercommunicate (Fig. 9-10);

a sensor coupled to one of said modules for coupling sensor data to said module (Fig. 6);

a circuit (the internal circuitry for communication) at said module for uploading sensor data to said network; and,

a downloading unit [would have been obvious shown by the command terminal and/or the other field device on the network based upon the similarity of the operational function; Para. 63,84,90] at a node for downloading the sensor data carried by said network and for displaying said sensor data at said node, thus to reliably provide sensor data by using said network (fig. 1, 2, 4, 6; Para. 24-27, 31-36, 42, 46, 64, 73, 78, 93).

This system would have been obvious automatically converts audio information available from the transceiver to a format and transmits the converted audio information

Art Unit: 2612

in a common frequency assigned to equipment operating on the temporary incident area network (Para. 33, 40-43, 46, 57, 60, 69, 70, 73-74, 79, 93).

Mason further discloses an incident an incident area network system comprises the radios device automatically select communication bands/frequencies using signal information of the bands. As each responder individual arrives on scene they are immediately and automatically networked with each other and with the on-scene incident commander via their field device. The responder radios support peer-to-peer ad-hoc wireless networking, with multi-hop routing of data packets among the nodes. The responder radios use a Voice over Internet Protocol (VOIP) or other voice enabling technique and wireless local area network (WLAN) for data and audio communications. The responder radio transmits and receives voice and data messages on common frequencies for all responders in order to provide an integrated response by responders from all agencies present in the incident area. The responder radios self-configure the communication channels to optimize data transmission. The FASS device use on or more several RF technology and modulation formats (Para. 33,40-43, 46, 57, 60, 69, 70, 73-74, 79, 93) wherein the components of the responder radios support communication via any number of protocols and frequency bands known in the art.

Mason does not explicitly mention the modules are configured as standalone add-on modules for providing transceiver interoperability couple to the associated/corresponded transceiver.

In the analogous of communication network, Zuckerman discloses a transceiver unit [26] having no self-configuring capability for configuring itself to a long range

Art Unit: 2612

communication format and frequency; a standalone add-on module [34] for providing transceiver interoperability coupled to a corresponded transceiver to automatically convert audio information available from said transceiver to a common format and transmit the audio information in a common frequency assigned to equipment and facility (16 and 18) operating on a network (Fig. 6, 13; col. 5, lines 1-48).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the integrated module with the transceiver as suggested by Mason to implement as the standalone add-on module with the transceiver as suggested by Zuckerman, so that the transceiver as suggested by Mason could be operated as a common transceiver which could be widely distributed to all responders and the standalone add-on module would allow the common transceiver to log on a specific event network as shown by Zuckerman, thereby increasing the flexibility of communication system and reduce the complexity of the transceiver with module as suggested by Mason. In addition, rather the connection module is integrated to the transceiver, for example, a network card or network integrated circuitry, or externally coupled to the as transceiver suggested by Zuckerman would be an arbitrary design choice based on the specific configuration of the system.

Regarding **claim 2**, Mason meets the limitation of claim and further shows the apparatus including a camera at said module for providing image signals as an output thereof, said uploading circuit uploading said image signals (Para. 86, 119).

Regarding **claim 3-4**, Mason meets the limitation of claim and further shows the image signals include video signals (Para. 119) wherein such video signals have been

Art Unit: 2612

obvious to one of ordinary skill in the art is provided by the camera because the camera device as shown by Mason could be an video camera or still image camera, therefore provide video data as recite by Mason and still picture signal as a conventional still image capturing camera in the art since they an alternative output and would be using one known technique to improve similar device.

Regarding **claim 5**, Mason meets the limitation of claim and further shows the sensor is taken from the group consisting of location sensors, oxygen tank sensors, gas sensors, HAZMAT sensors, photo-ionization sensors and biometric sensors (Para. 86)

Regarding **claim 6**, Mason meets the limitation of claim and further shows an incident commander terminal having a display coupled to said node and wherein the sensor data transmitted over said network is displayed for said incident commander at the associated incident commander display terminal, thereby to provide said incident commander with situational awareness based on said sensor data (fig. 1, 2, 4, 6; Para. 24-27, 31-36, 42, 46, 64, 73, 78).

Regarding **claim 7**, Mason meets the limitation of claim and further shows the sensor data includes information relating to the location of said module and wherein said display includes a map and an icon indicating the location of said module (fig. 1, 2, 4, 6; Para. 24-29, 33, 41, 44, 45).

6. Claims 8, 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason et al. (U.S. 2005/0001720), in view of Schlager et al. (US 2003/0102972), further in view of Zuckerman et al. (US 5,404,577).

Regarding **claim 8**, Mason teaches an ad hoc temporary incident area network having equipment operating thereon:

a **number** of handheld transceiver (FASS device; Fig. 1; the components of the FASS device support communication via any number of protocols and frequency bands known in the art),

having audio in, audio out; and, a **number** of mini module carried or coupled by said handheld transceiver coupled to outputs of the components of transceiver for at least automatically converting verbal communications associated with said transceiver to the common format **compatible with said network** and transmitting converted verbal communications in a common frequency, said mini module including circuits for transmitting said verbal communications between modules over said network in a bi-directional manner (fig. 1, 2, 4, 6; Para. 24-27, 31-36, 42, 46, 64, 73, 78).

Mason further discloses an incident an incident area network system comprises the radios device automatically select communication bands/frequencies using signal information of the bands. As each responder individual arrives on scene they are immediately and automatically networked with each other and with the on-scene incident commander via their field device. The responder radios support peer-to-peer ad-hoc wireless networking, with multi-hop routing of data packets among the nodes. The responder radios use a Voice over Internet Protocol (VOIP) or other voice enabling technique and wireless local area network (WLAN) for data and audio communications. The responder radio transmits and receives voice and data messages on common frequencies for all responders in order to provide an integrated response by responders

Art Unit: 2612

from all agencies present in the incident area. The responder radios self-configure the communication channels to optimize data transmission. The FASS device use on or more several RF technology and modulation formats (Para. 33,40-43, 46, 57, 60, 69, 70, 73-74, 79, 93) wherein the components of the responder radios support communication via any number of protocols and frequency bands known in the art.

Mason does not explicitly mention the two-way radio device incorporates a push-to-talk outputs available external thereto.

However, such push-to-talk outputs available externally would be a well-known feature for two-way radio device and **Schlager** specific mention a communication device has a push-to-talk arrangement thereof, therefore would have been obvious to one of ordinary skill in the art at the time of invention of incorporate push-to-talk output with apparatus as taught by Mason because it would provide manually activation for voice communication.

Mason does not further explicitly mention the module is configured as add-on module for providing transceiver interoperability couple to said standard transceiver such that the use of the mini add-on modules establishes a common frequency and format regardless of what frequencies and format said standard non-specialized handheld transceivers are using.

In the analogous of communication network, Zuckerman discloses a transceiver unit [26] having no self-configuring capability for configuring itself to a long range communication format and frequency; a standalone add-on module [34] for providing transceiver interoperability coupled to a said transceiver to automatically convert audio

Art Unit: 2612

information available from said transceiver to a **common** (single and unify for the particular communication) format and frequency assigned to equipment and facility (16 and 18) operating on a network (Fig. 6, 13; col. 5, lines 1-48). **It would have been obvious the use of the mini add-on modules establishes a common frequency and format regardless of what frequencies and format said standard non-specialized handheld transceivers are using because it would modified the original format and frequency of the transceivers.**

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the integrated module with the transceiver as suggested by Mason to implement as the add-on module with the transceiver as suggest by Zuckerman, so that the transceiver as suggested by Mason could be operated as a common transceiver which could be widely distributed to all responders and the standalone add-on module would allow the common transceiver to log on a specific event network as shown by Zuckerman, thereby increasing the flexibility of communication system and reduce the complexity of the transceiver with module as suggested by Mason. In addition, rather the connection module is integrated to the transceiver, for example, a network card or network integrated circuitry, or externally coupled to the as transceiver suggest by Zuckerman would be an arbitrary design choice based on the specific configuration of the system.

Regarding **claim 10**, the combination meets the limitation of claim and Mason further shows a sensor coupled to said mini module, said mini module including a circuit

Art Unit: 2612

for uploading data from said sensor to said network (fig. 1, 2, 4, 6; Para. 24-27, 31-36, 42, 46, 64, 73, 78).

Regarding **claim 11**, the combination meets the limitation of claim and Mason further shows a predetermined number uniquely identifying at least one of said mini module, and wherein said uploading circuit uploads said unique identifying number (Para. 72, 78, 94, 98, 110-111).

Regarding **claim 12**, the combination meets the limitation of claim and Mason further shows a camera coupled to said at least one of said mini module and wherein said uploading circuit includes a circuit for uploading the output from said camera to said network (Para. 86, 119).

Regarding **claim 13**, the combination meets the limitation of claim and Mason further shows the image signals include video signals (Para. 119) wherein such video signals have been obvious to one of ordinary skill in the art is provided by the camera because the camera device as shown by Mason could be an video camera or still image camera, therefore provide video data as recite by Mason and still picture signal as a conventional still image capturing camera in the art since they an alternative output and would be using one known technique to improve similar device.

Regarding **claim 14**, the combination meets the limitation of claim and Mason further shows including wearable sensors coupled to said mini module adapted to be worn by the individual using said transceiver, said sensors coupling data collected by a sensor that relates to events in the immediate vicinity of said individual to said mini module, whereby sensor data uploaded to said network and available at a node thereof

is downloadable to said node for providing situational awareness of conditions in the incident scene at said individual, thus to provide situational awareness based on sensed conditions at said individual (Para. 34, 25, 85, 89, 93).

Regarding **claim 15**, the combination meets the limitation of claim and Mason further shows the sensor includes a camera, whereby images in the vicinity of said individual are transmitted over said network to said node to support situational awareness (Para. 34, 86, 119, 25, 85, 89, 93).

Regarding **claim 16**, the combination meets the limitation of claim and Mason further shows the mesh wireless network for coupling said sensor to said mini module, whereby said sensor can be worn by said individual and wirelessly connected to said mini module. The Mesh wireless network would have been obvious to one of ordinary skill in the art at the time of invention is implemented as a local wireless network in respect to the system and the distance or use between the components.

Regarding **claim 17**, the combination meets the limitation of claim and Mason further shows the wireless network includes a Blue Tooth network (Para. 34, 86, 119, 25, 85, 89, 93).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mason et al. (U.S. 2005/0001720), in view of Schlager et al. (US 2003/0102972), further in view of Zuckerman et al. (US 5,404,577) and Yang (US 2004/0185902).

Regarding **claim 9**, the combination meets the limitation of claim, but does not explicitly mention the handheld transceiver includes a battery and an external power

Art Unit: 2612

connection contact and wherein said mini module includes a power input connection contact coupled to said external power connection contact for the powering of said mini module from the battery of said handheld transceiver.

In the analogous art of communication system, Yang discloses a handheld communication transceiver module [for example, cell phone] includes a battery and an external power connection contact and mini module [input and output interface unit] includes a power input connection contact coupled to said external power connection contact for the powering of said mini module from the battery of said handheld transceiver during the combination mode if only one of the module [for example, the main unit] is provided with battery power (Fig. 1-2, Para. 5, 8-9, 11).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement power connection between the two units as suggest by Yang because it would allow one of the unit serves as the energy source in order to reduce the number of the battery components of the system during the combine configuration. In addition, it would allow the mini module as a separatable device which enhance replacement of device if failure of any electronic components. Further the infrastructure for the functionality between the different electronic module, for example, the mini module and the handheld transceiver in respect to the integration or separate-in-part would depend on the configuration of the system based upon the specific application.

Art Unit: 2612

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mason et al. (U.S. 2005/0001720), in view of Schlager et al. (US 2003/0102972), further in view of Zuckerman et al. (US 5,404,577) and Fors et al. (US 7,289,825).

Regarding **claim 18**, the combination meets the limitation of claim and Mason further shows a headset communicating with said mini module, whereby verbal communications can be established between said mini module and said network regardless of said handheld transceiver (fig. 1, 2, 4, 6; Para. 59, 73, 78), but does not explicitly mention the headset is wireless communicating with the mini module.

In the analogous art, Fors discloses a wireless radio communication device 110 is wireless communicating with a wireless headset and configured to verbal communicate with different terminals on the network (Fig. 1-3; col. 4, line 59 - col. 5, line 38; col. 9, lines 38-53).

It would have been obvious to one of ordinary skill in the art at the time of invention to associate the wireless headset as suggest by Fors to the headset components as shown by Mason, so the user could freely operates the headset without the inconvenience of any wired connection between the mini module and the headset. One of ordinary skill in eth art could have pursued the known potential solutions with a reasonable expectation of success by using either wired or wireless connection.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOI LAU whose telephone number is (571)272-8547. The examiner can normally be reached on M- F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Bugg can be reached on (571)272-2998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hoi C Lau/
Primary Examiner, Art Unit 2612